



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

1 Noah Derek Lee Haas (GUARD/P)

Case No. 08CEPR01201

Guardian: Shelly Renee Wilson (Pro per – Paternal grandmother)

Petitioner: Natalie Orndoff (Pro per - Mother)

Petition for Termination of Guardianship

		NATALIE BAIN-ORNDOFF , mother, is petitioner and requests to terminate guardianship of her son.	NEEDS/PROBLEMS/COMMENTS:
		SHELLY WILSON , paternal grandmother, was appointed guardian of the person on 2/11/2009.	<u>Continued to 6/30/2016</u> @ request of petitioner
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
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	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: SEF
			Reviewed on: 5/23/2016
			Updates:
			Recommendation:
			File 1- Haas

Third and Fourth and Final Account and Report of Conservator, Petition for Allowance of Fees to Conservator and to Attorney, for Discharge of Conservator of the Estate and for Delivery of Assets

DOD: 11/1/15		CAROL SMILEY , Conservator, is petitioner.	NEEDS/PROBLEMS/COMMENTS: 1. Disbursement schedule includes a disbursement on 10/27/14 to Michael Ross in the amount of \$400.00 without stating the nature and purpose of the disbursement. 2. Need Care Facility Statements for 8/4/14 – 10/9/15. 3. Need Bank Statements. 4. Need copy Letters showing that Carol Smiley has been duly appointed as Administrator of the Estate of Belmira V. Williams.
		Account period: 8/1/14 – 11/1/15	
Cont. from		Accounting - \$674,153.89	
<input type="checkbox"/>	Aff.Sub.Wit.	Beginning POH - \$612,197.50	
<input checked="" type="checkbox"/>	Verified	Ending POH - \$615,912.75	
<input type="checkbox"/>	Inventory	Subsequent Account period:	
<input type="checkbox"/>	PTC	11/2/15 – 2/29/16	
<input type="checkbox"/>	Not.Cred.	Accounting - \$622,566.31	
<input checked="" type="checkbox"/>	Notice of Hrg	Beginning POH - \$615,912.75	
<input checked="" type="checkbox"/>	Aff.Mail	Ending POH - \$411,801.12	
	W/O	Bond - \$671,801.12	
<input type="checkbox"/>	Aff.Pub.	Conservator - \$420.00	
<input type="checkbox"/>	Sp.Ntc.	(per itemization and declaration, 28 hrs. @ \$15 per hour)	
<input type="checkbox"/>	Pers.Serv.	Attorney - \$2,270.00	
<input type="checkbox"/>	Conf. Screen	(per itemization and declaration, 2.6 attorney hours @ \$250/hr. and 16.2 paralegal hours @ \$100/hr.)	
<input type="checkbox"/>	Letters	Petitioner prays for an Order:	
<input type="checkbox"/>	Duties/Supp	1. Approving, allowing and settling the third, fourth and final account and report;	
<input type="checkbox"/>	Objections	2. Authorizing conservator and attorney fees;	
<input type="checkbox"/>	Video Receipt	3. Authorizing distribution of the remaining property on hand to Carol Smiley as Administrator of the Estate of Belmira V. Williams.	
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	2620		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

Reviewed by: KT
Reviewed on: 5/23/16
Updates:
Recommendation:
File 2- Williams

3 Lan Nguyen (CONS/PE)**Case No. 13CEPR00732****Attorney: Val J. Dornay (for deceased conservator Ngoi Nguyen)****Petitioner: Johnny Nguyen (Pro per – Successor Conservator)****Probate Status Hearing RE: Receipt for Blocked Account**

		JOHNNY NGUYEN , brother, was appointed as successor conservator of the person and estate on 4/13/16, due to a vacancy resulting from former conservator Ngoi Nguyen's death on 4/20/2015.	NEEDS/PROBLEMS/COMMENTS: 1. Need receipt for blocked account or current written status report pursuant to Local Rule 7.5, which states in all matters set for status hearing, verified status reports must be filed no later than 10 days before the hearing. Status reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the status report shall be served on all necessary parties.
Cont. from		All conservatorship funds are in a blocked account in the amount of \$7,025.00 (in the former conservator's name as conservator of the estate). <u>Minute order dated 4/13/2016</u> set this status hearing for receipt of blocked account [into successor conservator's name].	
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
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Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: SEF
			Reviewed on: 5/23/2016
			Updates:
			Recommendation:
			File 3- Nguyen

First and Final Account and Report of Administrator and Petition for Its Settlement, for Allowance of Compensation to Administrator and Attorney for Ordinary Services and for Final Distribution

DOD: 7/24/11		PAT DESANTIS , Administrator With Limited IAEA without bond, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 7/24/11-4/12/16	Note: The decedent resided in Italy, but had an interest in real property in Fresno County, CA. Both heirs reside in Italy. Notice of administration was given to the General Italian Consulate as required by Probate Code §8113 on 3/6/14.
		Accounting: \$233,338.00	
		Beginning POH: \$233,338.00	1. Need consent to distribution of real property in undivided interests pursuant to Local Rule 7.12.4 from the heirs.
		Ending POH: \$233,338.00	
Cont. from		Administrator (Statutory): \$7,666.76	2. The Court may require consent to assumption of the balance due the accountant by the heirs.
<input type="checkbox"/>	Aff.Sub.Wit.	Attorney (Statutory): \$7,666.76	
<input checked="" type="checkbox"/>	Verified	Petitioner states a federal estate tax return was filed 8/31/15. The federal estate taxes due in the amount of \$81,812.00 have been paid by Raffaella DiDonna, one of the beneficiaries, since there was no cash in the estate to pay the taxes due.	Reviewed by: skc
<input checked="" type="checkbox"/>	Inventory	Petitioner hired Slater Moffat Associates LLP to prepare the federal estate tax return. There remains an outstanding balance due to their firm in the amount of \$1,300.06. Beneficiary Raffaella DiDonna has indicated she will be paying this amount to Slater Moffatt Associates LLP prior to the closing of this estate.	
<input checked="" type="checkbox"/>	PTC		Reviewed on: 5/23/16
<input checked="" type="checkbox"/>	Not.Cred.		Updates:
<input checked="" type="checkbox"/>	Notice of Hrg		Recommendation:
<input checked="" type="checkbox"/>	Aff.Mail		File 4- Donna
<input type="checkbox"/>	Aff.Pub.		
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<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
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<input checked="" type="checkbox"/>	Order		
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<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

Attorney Catherine A. Amador (for Dearil White, Administrator)

Probate Status Hearing Re: Filing of the First Account and Final Distribution

DOD: 12/13/2013	DEARIL WHITE , son, was appointed Administrator with Full IAEA authority without bond on 12/11/2014	NEEDS/PROBLEMS/COMMENTS:
Cont. from 021116, 031716, 042116		
Aff.Sub.Wit.	Letters issued on 12/12/2014 have been REVOKED based upon Court's ordering on 3/17/2016 that the previously granted full authority is changed to limited authority , so that no actions can be taken without a Court order.	OFF CALENDAR Petition for Settlement of First and Final Account filed 5/20/2016 is set for hearing on 6/30/2016. <u>Continued from 3/17/2016.</u> <i>Minute Order</i> states Ms. Amador represents that Dearil White, Administrator, is unable to be present today due to a work emergency, and that she was unable to complete the account because of illness. The Court directs Counsel that further inquiry needs to be made as to the Administrator possibly having an active warrant and also alleged wrong-going by the Administrator in another estate matter. The Court orders that the previously granted full authority is changed to limited authority forthwith, so that no actions can be taken without a Court order.
Verified		
Inventory		
PTC		
Not.Cred.	Pursuant to Probate Code § 8800(b) , <i>Final Inventory and Appraisal</i> was filed 12/16/2014 showing an estate value of \$150,000.00 .	
Notice of Hrg	Pursuant to Probate Code § 12200 , first account and/or petition for final distribution was due 12/12/2015 .	
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Scr	Minute Order dated 12/11/2014 from the hearing on the petition for amended letters of administration set this status hearing on 2/11/2016 for filing of the first account and petition for final distribution.	
Letters		
Duties/S		
Objections	Status Conference Statement filed 4/14/2016 states:	
Video Receipt	<ul style="list-style-type: none"> This matter was set for a Status Conference for 3/17/2016, concerning progress toward the Petition for Distribution of the Estate; At that time, the Court informed [Attorney Amador] that a bench warrant had been issued for the Administrator in September 2015, in a contempt proceeding for non-payment of child support; The Court also informed [Attorney Amador] that there were allegations of potentially improper actions on the part of the Administrator related to a separate probate action, the Estate of Michael Scott Watson; The Court requested further information on both issues and set a further status conference for April 21, 2016; 	
CI Report	~Additional pages omitted~	
9202 Order		
Aff. Posting		Reviewed by: LEG Reviewed on: 5/23/16 Updates: Recommendation: File 5- White
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

6 Kyla Chea, Nova Chea & Aikon Serey Chea (GUARD/P) Case No. 14CEPR00808

Petitioner: Paul Chea (Pro Per – Paternal grandfather)

Petitioner: Siramalin Uth (Pro Per – Paternal grandmother)

Petition for Appointment of Guardian of the Person (as to Aikon Serey Chea only)

		<u>TEMPORARY EXPIRES 5/25/2016</u>	NEEDS/PROBLEMS/COMMENTS:	
		PAUL CHEA and SIRAMALIN UTH , paternal grandparents, are petitioners.	This petition is as to AIKON SEREY CHEA only.	
		Court Investigator report filed 5/16/2016.		
Cont. from		<i>See petition for details.</i>	1. Need <i>Notice of Hearing</i> . 2. Need proof of personal service of <i>Notice of Hearing</i> with copy of petition 15 days prior to the hearing <u>or</u> consents and waivers of notice <u>or</u> declarations of due diligence on: a. Vuthy Chea (father) b. Jennifer Dy (mother) 3. Need proof of service of <i>Notice of Hearing</i> with copy of petition 15 days prior to the hearing <u>or</u> consents and waivers of notice <u>or</u> declarations of due diligence on: a. Sameana Dy (maternal grandfather)	
<input type="checkbox"/>	Aff.Sub.Wit.			
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<input type="checkbox"/>	Inventory			
<input type="checkbox"/>	PTC			
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<input type="checkbox"/>	Notice of Hrg			x
<input type="checkbox"/>	Aff.Mail			x
<input type="checkbox"/>	Aff.Pub.			
<input type="checkbox"/>	Sp.Ntc.			
<input type="checkbox"/>	Pers.Serv.			x
<input checked="" type="checkbox"/>	Conf. Screen			
<input checked="" type="checkbox"/>	Letters			
<input checked="" type="checkbox"/>	Duties/Supp			
<input type="checkbox"/>	Objections			
<input type="checkbox"/>	Video Receipt			
<input checked="" type="checkbox"/>	CI Report			
<input type="checkbox"/>	9202			
<input checked="" type="checkbox"/>	Order			
<input type="checkbox"/>	Aff. Posting			
<input type="checkbox"/>	Status Rpt			
<input checked="" type="checkbox"/>	UCCJEA			
<input type="checkbox"/>	Citation			
<input type="checkbox"/>	FTB Notice			
			Reviewed by: SEF	
			Reviewed on: 5/23/2016	
			Updates:	
			Recommendation:	
			File 6- Chea	

Attorney

Kruthers, Heather (for Public Guardian)

Probate status Hearing Re: First Accounting

		FRESNO COUNTY PUBLIC GUARDIAN was appointed Guardian of the Estate per Minute Order 6/3/2015.	NEEDS/PROBLEMS/COMMENTS: OFF CALENDAR Per Minute Order dated 8/19/2015 dispensing with accountings.
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg		
<input type="checkbox"/>	Aff.Mail		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: LEG	
		Reviewed on: 5/23/16	
		Updates:	
		Recommendation:	
		File 7 - Dupree	

Attorney J. Stanley Teixeira (for Go-Guardians Vince Ghimenti and Mica Ghimenti)

Probate Status Hearing Re: Filing of the First Account

		VINCE GHIMENTI and MICA GHIMENTI, Godparents, were appointed Guardian of the Person and Estate on 4/6/2015 with funds of \$19,076.00 placed into a blocked account. (Amended Order filed 6/9/2015.)	NEEDS/PROBLEMS/COMMENTS: 1. Need first account of the Guardianship Estate. 2. Need proof of service of notice of the status hearing with a copy of the <i>Status Report</i> filed 5/16/2016 to all interested parties pursuant to Local Rule 7.5(B).
Cont. from		Letters issued on 4/6/2015. Proof of Blocked Account was filed 6/30/2015. Final Inventory and Appraisal filed 7/17/2016 shows an estate value consisting of all cash in the sum of \$19,076.00. Pursuant to Probate Code § 2620(a), first account was due on 4/6/2016. Minute Order dated 4/6/2015 from the hearing on the petition for appointment set the matter for status hearing on 5/25/2016 for filing of the first account of the Guardianship Estate. Status Report filed by Attorney J. Stanley Teixeira on 5/16/2016 states: <ul style="list-style-type: none"> Guardians have reported to him that they have been working on obtaining the documents needed for the accounting; Once he receives these documents from the Guardians, he can begin to organize the documents and prepare the accounting; It is his hope to have all documents and accounting filed within 30 days from the date of the originally scheduled [status hearing for the filing of the] accounting. 	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Pub.		
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<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input checked="" type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: LEG Reviewed on: 5/23/16 Updates: Recommendation: File 8- Taylor

Attorney Janet L. Wright (for Petitioner Juanita Bennett, spouse)
 Attorney William J. Keeler, of Portland, Oregon (also for Petitioner Juanita Bennett, spouse)
 Attorney Kurt F. Vote; Scott D. Laird; Dylan J. Crobsy, for Objector G. Dana French, Personal Representative of the Estate of Clarence Jesse Bennett)

Petition for Payment of Family Allowance

DOD: 6/26/2015		JUANITA BENNETT , surviving spouse, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner requests a family allowance of \$43,000.00 per month from the estate, based upon the following:	Notes Re Future Hearings:
Cont. from		<ul style="list-style-type: none"> Decedent died on 6/26/2015 and Letters Testamentary were issued to G. DANA FRENCH as Executor on 10/7/2015; The Final Inventory and Appraisal was filed on 11/20/2015, showing the estate value as \$9,920,343.58; at the time of Decedent's death, he held substantial assets in his revocable trust, the C.J. BENNETT FAMILY TRUST of 1987; The period for filing creditor's claims expired on 2/7/2016; Decedent is survived by Petitioner and his 3 adult children: ALYSA BENNET DJANIKIAN, FRANK HENRY BENNETT, II, and SCOTT FORREST BENNETT; Petitioner is the only individual entitled to a family allowance in the estate; It is a well-established legal principal that the purpose of a family allowance is to continue, during settlement of the estate, the support of the surviving spouse at the standard of living that the surviving spouse was maintaining during the Decedent's life; During Decedent's life, he and Petitioner maintained a high standard of living, regularly using 3 residences, located in Fresno, Carmel, and Newport Beach, California; Although legal title to the residences was held in Petitioner's revocable living trust, during their marriage, the cost of maintaining the residences was paid by Decedent from his accounts identified as his separate property in the BENNETT FAMILY TRUST; 	<ul style="list-style-type: none"> <i>Petition for Allowance of Late Claim</i> filed by JUANITA BENNETT on 5/16/2016 is set for hearing on 6/28/2016. Probate Status Hearing for filing of the first and/or final account is set on 11/30/2016.
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
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<input type="checkbox"/>	Pers.Serv.		
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<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
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<input type="checkbox"/>	Video Receipt		
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<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 5/23/16
			Updates:
			Recommendation:
			File 9- Bennett

Petitioner states, continued:

- Furthermore, it was the Decedent's intention that the maintenance expenses were to continue to be made from his separate property accounts for as long as permitted;
- In furtherance of this intention, Decedent provided in the **BENNETT FAMILY TRUST** specifically for payment of the residential expenses at the 3 residences as well as Petitioner's living expenses during Decedent's incapacity [*citation of Trust terms omitted; brief sum: Decedent expects his Disability Trustee to continue to pay all of Juanita's living expenses and operating expenses for all 3 of Juanita's residences*];
- The Disability Trustee of the **BENNETT FAMILY TRUST** was given the authority "to determine a monthly allowance...to be sufficient to pay Juanita's living expenses and sufficient to pay the operating expenses for Juanita's 3 residences in an amount consist with past expenditures...." (*copy of Trust excerpt "Provide for my Spouse" attached as Exhibit A*);
- Petitioner believes that Decedent intended to have his estate continue to support Petitioner, including the maintenance of these residences for as long as reasonably necessary after his death;
- The average monthly expenses of Petitioner with regard to the 3 residences is **\$15,694.00** (*total monthly expenses itemization attached as Exhibit B*); the average monthly expenses of Petitioner separate from the cost of residence maintenance, including estimated attorney's fees, which Petitioner contends is a reasonable expense under the circumstances, is **\$36,965.00**; the total average monthly expenses and operating expenses for the residences is **\$52,659.00** (*see Exhibit B*);
- Estimated attorney's fees are a reasonable monthly expense, as Petitioner was required to engage independent legal counsel in order to protect her interest in the estate; prior to Decedent's death, Petitioner's legal counsel was Dana French, the Executor and Successor Trustee of the **BENNETT FAMILY TRUST**;
- It is a well-established legal principal that Petitioner may not be denied her right to a family allowance merely because she has other income and assets;
- Since the Court in its discretion can take into account available income in determining the appropriate amount of the family allowance, Petitioner's average monthly income is **\$9,635.00** (*summary attached as Exhibit C*); Petitioner's shortfall between income and expenses is **\$43,000.00** (*summary attached as Exhibit D*);
- Petitioner believes that a family allowance in the amount of **\$43,000.00** per month from the estate is reasonable and necessary for the maintenance of Petitioner according to her circumstances;
- Petitioner requests that this Order be made retroactive to 6/26/2015, the date of Decedent's death, and that payment of family allowance to Petitioner continue for **1 year** from the date of execution of its Order on this Petition.

Amendment to Petition for Payment of Family Allowance filed 5/11/2016 states:

- Just prior to filing her *Petition for Payment of Family Allowance*, Petitioner was advised by **CURTIS WONG, CPA**, that she would owe gift tax for gifts made in 2015 prior to Decedent's death and with Decedent's encouragement;
- Petitioner continued to gather information from Mr. Wong in order to confirm the extent, if any, of her federal gift tax liability not covered by her unified credit;
- It was confirmed by Mr. Wong that Petitioner would be required to pay gift tax liability of **\$1,166,400.00** on or before 4/18/2016 in order to avoid interest and penalties;

~Please see additional page~

Amendment to Petition for Payment of Family Allowance filed 5/11/2016, continued:

- Petitioner paid the tax liability on 4/18/2016, and as a result of this payment, Petitioner has an additional expense of **\$1,682,400.00** and amends the *Petition* to reflect this additional required expenditure;
- The gift tax payment was required due to the fact that Decedent's personal gifting from as early as 2004 had been reported as split gifting, thus utilizing Petitioner's federal unified credit to accomplish Decedent's lifetime gifting goals;
- All gifts made by Petitioner in 2015 were made prior to the death of the Decedent with Decedent's encouragement and assurance that Petitioner would not be required to make any payment;
- Petitioner's assets are comprised primarily of her residential real properties used by Petitioner and Decedent as residences prior to his death;
- Petitioner's security portfolio generates income which she uses to pay her living expenses, including the maintenance expenses for her residences;
- Petitioner's shortfall between income and expenses is substantial, requiring her to liquidate and use principal proceeds from the portfolio account to supplement her income in order to meet expenses;
- The unanticipated and unexpected requirement to pay **\$1,166,400.00** in gift tax liability has required petitioner to liquidate even more of her principal accounts, thus creating an additional strain on her personal assets and her cash flow;
- In addition, Petitioner amends her *Petition* to request payment in an amount sufficient to pay the income tax incurred as a result of the receipt of family allowance payments, calculated in a manner that takes into account the need to gross up the payment to account for the income tax attributable to the receipt of the income tax payment;
- Until the amount of family allowance is finally determined, Petitioner is unable to provide the specific amount necessary.

Petitioner requests this Court Order:

1. That Dana French as Executor is authorized and directed to pay to Petitioner from the income and/or principal of the estate the sum of **\$43,000.00** per month in monthly installments, beginning on 6/26/2016, and to continue to make such monthly payments for a **1-year** period from the date of execution of the Order on this *Petition*; and
2. That within 30 days of the date of execution of the Order on this *Petition*, Dana French as Executor is authorized and directed to pay to Petitioner from the income and/or principal of the estate the sum of **\$1,682,400.00** from income and/or principal of the estate, representing:
 - a. **\$516,000.00** as retroactive payment for the 12 months of payments due between the date of Decedent's death and 6/26/2016; and
 - b. **\$1,166,400.00** as reimbursement for gift tax liability paid; and
3. That Dana French as Executor is authorized and directed to pay to Petitioner from the income and/or principal of the estate the amount necessary to pay the total income tax liability attributable to her receipt of the family allowance, including the tax liability on the receipt of the payment for income tax liability, in order that Petitioner receive her family allowance payment net after tax.

~Please see additional page~

Verified Objection to Petition for Payment of Family Allowance filed by Respondent, the Estate of Clarence J. "Peter" Bennett, by and through its Personal Representative G. Dana French on 5/13/2016 states:

- *[Specific paragraphs are admitted, denied, or are stated as allegations Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations, and on that basis are denied; portions of Objection follow];*
- Respondent admits that the quoted language appears in the **BENNETT FAMILY TRUST**, however the quotation is incomplete, out of context, and irrelevant to the issues of the case;
- **First Affirmative Defense:** Petition fails to state facts sufficient to establish the need for an allowance necessary for the Petitioner's maintenance;
- **Second Affirmative Defense:** Petition is fatally defective in that it is vague, ambiguous, and uncertain;
- **Third Affirmative Defense:** Petitioner is barred in whole or in part from seeking the relief set forth in the Petition by the doctrine of unclean hands;
- **Fourth Affirmative Defense:** Petitioner has failed to present satisfactory evidence supporting the allowance Petitioner claims is reasonably necessary to maintain her lifestyle;
- **Fifth Affirmative Defense:** An allowance is not necessary because Petitioner's personal assets and income greatly exceed the amount necessary for Petitioner's maintenance;
- **Sixth Affirmative Defense:** Petitioner's untimely requested allowance is grossly excessive;
- **Seventh Affirmative Defense:** Petition fails to set out Petitioner's claims with sufficient particularity to permit the Respondent to raise all appropriate defenses and Respondent reserves the right to add additional defenses if and when the factual bases for these claims are ascertained.

The Estate prays for judgment against Petitioner that: Petitioner takes nothing by way of her Petition and that the Petition be dismissed with prejudice; and for attorney's fees and costs of suit.

Request for Judicial Notice in Support of Verified Objection to Petition for Payment of Family Allowance filed 5/13/2016 consists of Exhibit A through Exhibit S; summary list as follows:

1. Petitioner's Creditor Claims filed on February 4, 2016, Fresno County Superior Court Case No. 15CEPR00816, true and correct copies of which is attached as Exhibits "A-C."
2. Inventory and Appraisal Filed on November 20, 2015, Fresno County Superior Court Case No. 15CEPR00816, a true and correct copy of which is attached as Exhibit "D."
3. Linn Energy Holdings, LLC's "Voluntary Petition for Non-Individual Filing For Bankruptcy" filed on May 11, 2016, United States Bankruptcy Court for the Southern District of Texas, Case No. 16-60039, a true and correct copy of which is attached as Exhibit "E."
4. Linn Energy, LLC's "Voluntary Petition for Non—Individual Filing For Bankruptcy" filed on May 11, 2016, United States Bankruptcy Court for the Southern District of Texas, Case No. 16—60040, "a true and correct copy of which is attached as Exhibit "F."
5. Berry Petroleum Company, LLC's "Voluntary Petition for Non-Individual Filing For Bankruptcy" filed on May 11, 2016, United States Bankruptcy Court for the Southern District of Texas, Case No. 16-60041, a true and correct copy of which is attached as Exhibit "G."
6. LinnCo, LLC's "Voluntary Petition for Non—Individual Filing For Bankruptcy" filed on May 11, 2016, United States Bankruptcy Court for the Southern District of Texas, Case No. 16—60042, a true and correct copy of which is attached as Exhibit "H."

~Please see additional page~

Request for Judicial Notice in Support of Verified Objection, Exhibit list continued:

7. Linn Acquisition Company, LLC's "Voluntary Petition for Non- Individual Filing For Bankruptcy" filed on May 11, 2016, United States Bankruptcy Court for the Southern District of Texas, Case No. 16—60043, a true and correct copy of which is attached as Exhibit "I."
8. Linn Energy Finance Corp's "Voluntary Petition for Non-Individual Filing For Bankruptcy" filed on May 11, 2016, United States Bankruptcy Court for the Southern District of Texas, Case No. 16—60044, a true and correct copy of which is attached as Exhibit "J."
9. Linn Exploration & Production Michigan LLC's "Voluntary Petition for Non-Individual Filing For Bankruptcy" filed on May 11, 2016, United States Bankruptcy Court for the Southern District of Texas, Case No. 16-60045, a true and correct copy of which is attached as Exhibit "K."
10. Linn Exploration Midcontinent, LLC's "Voluntary Petition for Non-Individual Filing For Bankruptcy" filed on May 11, 2016, United States Bankruptcy Court for the Southern District of Texas, Case No. 16-60046, a true and correct copy of which is attached as Exhibit "L."
11. Linn Midstream, LLC's "Voluntary Petition for Non-Individual Filing For Bankruptcy" filed on May 11, 2016, United States Bankruptcy Court for the Southern District of Texas, Case No. 16-60047, a true and correct copy of which is attached as Exhibit "M."
12. Linn Midwest Energy, LLC's "Voluntary Petition for Non—Individual Filing For Bankruptcy" filed on May 11, 2016, United States Bankruptcy Court for the Southern District of Texas, Case No. 16—60048, a true and correct copy of which is attached as Exhibit "N."
13. Linn Operating, Inc.'s "Voluntary Petition for Non-Individual Filing For Bankruptcy" filed on May 11, 2016, United States Bankruptcy Court for the Southern District of Texas, Case No. 16-60049, a true and correct copy of which is attached as Exhibit "O."
14. Mid-Continent I, LLC's "Voluntary Petition for Non-Individual Filing For Bankruptcy" filed on May 11, 2016, United States Bankruptcy Court for the Southern District of Texas, Case No. 16-60050, a true and correct copy of which is attached as Exhibit "P."
15. Mid Continent II, LLC's "Voluntary Petition for Non-Individual Filing For Bankruptcy" filed on May 11, 2016, United States Bankruptcy Court for the Southern District of Texas Case No. 16-60051, a true and correct copy of which is attached as Exhibit "Q."
16. Mid-Continent Holdings 1, LLC's "Voluntary Petition for Non-Individual Filing For Bankruptcy" filed on May 11, 2016, United States Bankruptcy Court for the Southern District of Texas, Case No. 16-60052, a true and correct copy of which is attached as Exhibit "R."
17. Mid-Continent Holdings II, LLC's "Voluntary Petition for Non-Individual Filing For Bankruptcy" filed on May 11, 2016, United States Bankruptcy Court for the Southern District of Texas, Case No. 16-60053, a true and correct copy of which is attached as Exhibit "S."

~Please see additional page~

Dept. 303, 9:00 a.m. Wednesday, May 25, 2016

Verified Objection to Amendment to Petition for Payment of Family Allowance filed by Respondent, the Estate of Clarence J. "Peter" Bennett, by and through its Personal Representative G. Dana French on 5/20/2016 states:

- *[Specific paragraphs are admitted, denied, or are stated as allegations Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations, and on that basis are denied; portions of Objection follow];*
- **First Affirmative Defense:** Petition fails to state facts sufficient to establish the need for an allowance necessary for the Petitioner's maintenance;
- **Second Affirmative Defense:** Petition is fatally defective in that it is vague, ambiguous, and uncertain;
- **Third Affirmative Defense:** Petitioner is barred in whole or in part from seeking the relief set forth in the Petition by the doctrine of unclean hands;
- **Fourth Affirmative Defense:** Petitioner has failed to present satisfactory evidence supporting the allowance Petitioner claims is reasonably necessary to maintain her lifestyle;
- **Fifth Affirmative Defense:** An allowance is not necessary because Petitioner's personal assets and income greatly exceed the amount necessary for Petitioner's maintenance;
- **Sixth Affirmative Defense:** Petitioner's untimely requested allowance is grossly excessive;
- **Seventh Affirmative Defense:** Petition fails to set out Petitioner's claims with sufficient particularity to permit the Respondent to raise all appropriate defenses and Respondent reserves the right to add additional defenses if and when the factual bases for these claims are ascertained.

The Estate prays for judgment against Petitioner that: Petitioner takes nothing by way of her *Petition* and that the *Petition* be dismissed with prejudice; and for attorney's fees and costs of suit.

Memorandum of Points and Authorities in Support of Verified Objection to Amendment to Petition for Payment of Family Allowance was filed by Respondent, the Estate of Clarence J. "Peter" Bennett, by and through its Personal Representative G. Dana French on 5/20/2016.

Petition for Appointment of Guardian of the Person

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 4/13/16:</u> Examiner notes provided in open court. <u>Note:</u> Petitioner has filed "Proof of Service by Mail" <u>numerous times</u> , but all it shows is that the temp orders and letters were served on the relatives. <u>They do not show that the Notice of Hearing and a copy of the petition were served on the parties.</u> <u>Therefore, the following issues remain noted:</u> 1. Need Notice of Hearing (Form GC-020). 2. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on: - Juan Antonio Torres (Maternal Grandfather) - Eric Knighton (sibling) - Dominic Knighton (sibling)	
Cont.d from 120915, 012016, 030216, 041316				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg			×
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 5/23/16	
			Updates:	
			Recommendation:	
			File 10 – Knighton	

Order to Show Cause

		MANUEL AVLIA MENDOZA was appointed guardian of the person and estate on 12/17/15.	NEEDS/PROBLEMS/COMMENTS:
		Manuel's spouse LIDIA AGUIRRE , was appointed co-guardian of the person and estate on 3/28/16.	
Cont. from		Minute order dated 12/17/15 set a status hearing for the filing of the inventory and appraisal.	
Aff.Sub.Wit.			
Verified		Minute order dated 4/20/16 for the status hearing re: filing of the inventory and appraisal states no appearances and issued an Order to Show Cause to Manuel Mendoza and Lidia Aguirre as to why they should not be removed as Guardians of the Estate for their failure to file the inventory and appraisal, and to J. Stanley Teixeira as to why he should not be sanctioned for his failure to appear. The court orders Manuel Mendoza, Lidia Aguirre and J. Stanley Teixeira to each be personally present in court or present via CourtCall on 5/25/16.	
Inventory			
PTC		Status Report filed on 5/2/16 states by way of an explanation, not an excuse, Mr. Teixeira states he appear in this matter on 2/3/16, concerning the filing of receipts for blocked account. At that time he states he explained to the court that no funds had been received from the worker's compensation matter or the personal injury matter, The court continued the matter to 12/7/16 for further status.	
Not.Cred.			
Notice of Hrg		As it was anticipated that the earliest any funds might be received be October/November of this year, Mr. Teixeira mistakenly understood the continuance to apply the receipts and the inventory and appraisal.	
Aff.Mail			
Aff.Pub.		Mr. Teixeira states he apologizes to the Court and requests that any disposition of the Order to Show Cause absolve his clients of any responsibility for his failure to appear.	
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			

Reviewed by: KT

Reviewed on: 5/23/16

Updates:

Recommendation:

File 11- Avila

Order to Show Cause

		MANUEL AVLIA MENDOZA was appointed guardian of the person and estate on 12/17/15.	NEEDS/PROBLEMS/COMMENTS:
		Manuel's spouse LIDIA AGUIRRE , was appointed co-guardian of the person and estate on 3/28/16.	
Cont. from			
Aff.Sub.Wit.			
Verified		Minute order dated 12/17/15 set a status hearing for the filing of the inventory and appraisal.	
Inventory			
PTC			
Not.Cred.		Minute order dated 4/20/16 for the status hearing re: filing of the inventory and appraisal states no appearances and issued an Order to Show Cause to Manuel Mendoza and Lidia Aguirre as to why they should not be removed as Guardians of the Estate for their failure to file the inventory and appraisal, and to J. Stanley Teixeira as to why he should not be sanctioned for his failure to appear. The court orders Manuel Mendoza, Lidia Aguirre and J. Stanley Teixeira to each be personally present in court or present via CourtCall on 5/25/16.	
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections		Status Report filed on 5/2/16 states by way of an explanation, not an excuse, Mr. Teixeira states he appear in this matter on 2/3/16, concerning the filing of receipts for blocked account. At that time he states he explained to the court that no funds had been received from the worker's compensation matter or the personal injury matter, The court continued the matter to 12/7/16 for further status.	
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice		As it was anticipated that the earliest any funds might be received be October/November of this year, Mr. Teixeira mistakenly understood the continuance to apply the receipts and the inventory and appraisal.	
		Mr. Teixeira states he apologizes to the Court and requests that any disposition of the Order to Show Cause absolve his clients of any responsibility for his failure to appear.	
			Reviewed by: KT
			Reviewed on: 5/23/16
			Updates:
			Recommendation:
			File 12- Avila

Probate Status Hearing RE: Filing of the Inventory and Appraisal

DOD: 10/4/2015	RONALD FREEMAN , father, was appointed administrator with will annexed with full IAEA. Bond was set at \$150,000.00.	NEEDS/PROBLEMS/COMMENTS:
Cont. from	Letters issued 12/18/2015	
<input type="checkbox"/> Aff.Sub.Wit.	Minute order dated 12/15/2015 set this status hearing re: the filing of the inventory and appraisal.	
<input type="checkbox"/> Verified		
<input checked="" type="checkbox"/> Inventory	I&A filed 4/20/2016 - \$484,831.59	1. Item 7 of I&A filed 4/20/2016 states bond of \$150,000.00 is sufficient. However, estate was appraised at \$484,831.59. Petition for Probate indicates encumbrances on real property of \$250,000.00. Therefore, it appears an additional bond of \$85,000.00 is required, based on the following:
<input checked="" type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.	Real property - \$ 445,000.00	
<input type="checkbox"/> Notice of Hrg	Cash - \$ 3,063.00	
<input type="checkbox"/> Aff.Mail	Misc personal property - \$ 36,768.59	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input type="checkbox"/> Letters		
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		\$ 484,831.59 appraised value -150,000.00 present bond <u>-250,000.00 encumbrances</u> \$ 84,831.59
		Reviewed by: SEF
		Reviewed on: 5/23/2016
		Updates:
		Recommendation:
		File 13- Freeman

Petition for Appointment of Guardian of the Person

	See petition for details.		<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Minute Order 5/4/16:</u> Petitioner reports that Naomi Villanueva, mother, has a Facebook page. The Court orders Petitioner to notice Ms. Villanueva by Facebook message with all of the pertinent information and bring either a printout of the message or the phone used, for review by the Court. The Court finds due diligence as to Rafael Luis Muriel, maternal grandfather, unless his whereabouts become known.</p> <p>As of 5/23/16, the following issue remains noted:</p> <p>1. Petitioner filed a declaration of due diligence for the mother on 3/8/16 and further diligence on 4/20/16.</p> <p>If diligence is not found, need personal service on the mother of Notice of Hearing and proof of service at least 15 days prior to the hearing per Probate Code §1511.</p>
Cont. from 021616, 032316, 050416			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
✓	UCCJEA		
	Citation		
	FTB Notice		
			<p>Reviewed by: JF/skc</p> <p>Reviewed on: 5/23/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 14- Villanueva</p>

Petitioner: Ernestine Wyrick (Pro Per)

Petition for Appointment of Guardian of the Person (Initial)

<u>NO TEMPORARY REQUESTED</u>			NEEDS/PROBLEMS/COMMENTS:
ERNESTINE WYRICK , maternal grandmother, is petitioner Court Investigator report filed 3/11/2016. <i>See petition for details.</i>			
Cont. from 031616			<u>Minute order dated 3/16/2016</u> continued matter for notice to ICWA. . 1. Item 8 of petition does not list paternal grandfather or paternal grandmother. Court may require declarations of due diligence <u>or</u> proof of service 15 days prior to the hearing of the <i>Notice of Hearing</i> with a copy of petition <u>or</u> consents and waivers of notice on: a. Paternal grandfather b. Paternal grandmother
<input type="checkbox"/>	Aff.Sub.Wit.	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Verified	<input type="checkbox"/>	
<input type="checkbox"/>	Inventory	<input type="checkbox"/>	
<input type="checkbox"/>	PTC	<input type="checkbox"/>	
<input type="checkbox"/>	Not.Cred.	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Notice of Hrg	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Aff.Mail	w/ <input type="checkbox"/>	
<input checked="" type="checkbox"/>	ICWA	<input type="checkbox"/>	
<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>	
<input type="checkbox"/>	Pers.Serv.	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Conf. Screen	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Letters	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Duties/Supp	<input type="checkbox"/>	
<input type="checkbox"/>	Objections	<input type="checkbox"/>	
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	CI Report	<input type="checkbox"/>	
<input type="checkbox"/>	9202	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Order	<input type="checkbox"/>	
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>	
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	UCCJEA	<input type="checkbox"/>	
<input type="checkbox"/>	Citation	<input type="checkbox"/>	
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>	
			Reviewed by: SEF
			Reviewed on: 5/23/2016
			Updates:
			Recommendation:
			File 15- Price

Petitioner Floresa Winchester-Wagner (Pro Per, granddaughter)

Attorney Marvin T. Helon (Court-appointed for proposed Conservatee)

Petition for Appointment of Probate Conservator

		TEMPORARY DENIED	NEEDS/PROBLEMS/COMMENTS:
		FLORESA WINCHESTER-WAGNER , granddaughter, is Petitioner and requests appointment as Conservator of the Person.	<p>Continued from 4/20/2016. Minute Order states for the record, the address for Jerry Thompson, son, is apartment on Fresno Street as listed on the proof of service filed 3/18/2016. Also, Michal Woods, son is incarcerated in SLO, and the Michael Woods at the address listed on the same proof of service is the grandson of Bessie Woods Grant; the remaining grandchildren are to be properly served.</p> <p>The following defects from the last hearing remain:</p> <ol style="list-style-type: none"> 1. Need proof of service for all proposed Conservatee's grandchildren who are not listed in the <i>Petition</i> and who have not been served with notice. 2. Petitioner filed on 3/21/2016 a <i>Corrections to Petition for Appointment of Probate Conservator</i> filed 3/10/2016, indicating that Item 1(k) of the <i>Petition</i> should be marked to request orders relating to dementia placement or treatment. Since dementia powers are requested, need the mandatory-use <i>Attachment Requesting Special Orders Regarding Dementia</i> (Judicial Council form GC-313.) 3. <i>Capacity Declaration</i> of Ajit Singh Khaira, M.D., filed 3/18/2016 is incomplete and <u>does not support</u> the request for dementia powers nor for medical consent powers. Need <i>Medical Capacity Declaration</i> (Judicial Council form GC-335) in support of Petitioner's request pursuant to Probate Code § 1890(c).
Cont. from 042016		Capacity Declaration of Ajit Singh Khaira, M.D., filed 3/18/2016.	
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input type="checkbox"/>	Inventory		
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	W/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input checked="" type="checkbox"/>	Pers.Serv.		
<input checked="" type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input checked="" type="checkbox"/>	Video Receipt		
<input checked="" type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input checked="" type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: LEG
			Reviewed on: 5/23/16
			Updates:
			Recommendation:
			File 16- Grant

Petition to Determine Succession to Real Property

DOD: 10/9/2014		<p>Petitioners are:</p> <p>DARLA FAYE DAVIDSON (daughter) GORDON SCOTT GRIFFITHS (son) BRYAN GLENN GRIFFITHS (son) TERRY JOE GRIFFITHS (son) DAVID KEITH GRIFFITHS III (grandson) ASHLEY ANDERS (granddaughter)</p> <p>40 days since DOD</p> <p>No other proceedings</p> <p>I&A - \$145,000.00</p> <p>Decedent died intestate</p> <p>Petitioners request court determination that decedent's 100% interest in real property located at 4960 E. Tulare, Avenue and 127 S. Fine Avenue, Fresno, passes to them pursuant to intestate succession, as follows:</p> <p>DARLA FAYE DAVIDSON (1/5th) GORDON SCOTT GRIFFITHS (1/5th) BRYAN GLENN GRIFFITHS (1/5th) TERRY JOE GRIFFITHS (1/5th) DAVID KEITH GRIFFITHS III (1/10th) ASHLEY ANDERS (1/10th)</p>	NEEDS/PROBLEMS/COMMENTS:
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.		
<input checked="" type="checkbox"/>	Verified		
<input checked="" type="checkbox"/>	Inventory		
<input checked="" type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail w/o		
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
		Reviewed by: SEF Reviewed on: 5/23/2016 Updates: SUBMITTED Recommendation: File 20- Griffiths	

Spousal or Domestic Partner Property Petition

DOD: 7/2/2012	ELVIRA HERRERA , surviving spouse, is petitioner		NEEDS/PROBLEMS/COMMENTS: Need amended petition: 1. Need attachment 7 to petition stating facts upon which petitioner bases the allegation that all or a part of the estate of the deceased spouse is property that either passes or belongs to her, pursuant to Probate Code 13651(a)(3)(4). 2. Items 7a and 7b of petition are blank regarding what relief is being requested by petitioner. Need attachments 7a and/or 7b to petition. 3. Item 5a(2) is incomplete regarding if decedent is survived by issue of a predeceased child. 4. A fee waiver was filed in this matter. Court fees are considered costs of administration; therefore, a \$435 filing fee is due for the Spousal Property Petition.
	No other proceedings		
	Decedent died intestate		
Cont. from	Petitioner states – see notes 1 and 2		
<input type="checkbox"/> Aff.Sub.Wit.			
<input checked="" type="checkbox"/> Verified			
<input type="checkbox"/> Inventory			
<input type="checkbox"/> PTC			
<input type="checkbox"/> Not.Cred.			
<input checked="" type="checkbox"/> Notice of Hrg			
<input checked="" type="checkbox"/> Aff.Mail	w/		
<input type="checkbox"/> Aff.Pub.			
<input type="checkbox"/> Sp.Ntc.			
<input type="checkbox"/> Pers.Serv.			
<input type="checkbox"/> Conf. Screen			
<input type="checkbox"/> Letters			
<input type="checkbox"/> Duties/Supp			
<input type="checkbox"/> Objections			
<input type="checkbox"/> Video Receipt			
<input type="checkbox"/> CI Report			
<input type="checkbox"/> 9202			
<input checked="" type="checkbox"/> Order			
<input type="checkbox"/> Aff. Posting			
<input type="checkbox"/> Status Rpt			
<input type="checkbox"/> UCCJEA			
<input type="checkbox"/> Citation			
<input type="checkbox"/> FTB Notice			
			Reviewed by: SEF
			Reviewed on: 5/23/2016
			Updates:
			Recommendation:
			File 21- Herrera

24 Cecil Tange (Estate) Case No. 14CEPR01142**Attorney Renge, Lawson K. (for Ted Tange – Petitioner – Executor)****First and Final Account and Report of Administration and
Petition for Final Settlement and Distribution, Accounting Waived**

DOD: 07/19/2014	TED TANGE , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 05/11/2016: Mr. Renge requests the court to strike from the order, all of the requests of payment to be paid from the trust. 1. Need Declaration pursuant to Local Rule 7.12.5 regarding distribution to intervivos trust.
	Accounting is waived	
	I&A - \$470,205.10	
	POH - \$470,205.10	
Cont. from 051116		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified	Executor – Waives	
<input checked="" type="checkbox"/> Inventory	Attorney (Statutory) - \$12,405.71	
<input type="checkbox"/> PTC		
<input checked="" type="checkbox"/> Not.Cred.	Distribution pursuant to the decedent's will, is to:	
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/ Ted Tange, as Trustee of the Cecil Tange Revocable Living Trust – various shares totaling \$470,205.10.	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input type="checkbox"/> Pers.Serv.		
<input type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters	2/11/15	
<input type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input checked="" type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input checked="" type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 05/20/2016
		Updates:
		Recommendation:
		File 24- Tange

Attorney: Kevin Urbatsch (for Petitioner Nathaniel Leeds)

**Petition to Establish Minors' Settlement Trust to Hold Litigation Proceeds and
for Attorney's Fees**

			<p>NATHANIEL LEEDS, attorney in the litigation matter, is petitioner.</p> <p>Petitioner states a litigation settlement is being approved in the matter titled <i>Minors Ambria Mabrey et al v. Arie Ann Abbott et al</i>, case no. 14CECG01585. Petitioner is seeking to establish a minors' trust to hold all of the minors' net settlement proceeds received in the litigation matter and seeking attorneys' fees.</p> <p>The three minors in the litigation trust are Ambria Mabrey (age 9), Olivia Bennett (age 7) and Allena Mabrey (age 4). The children's portion of the Litigation settlement is to be placed into a minor's Settlement Trust.</p> <p>Petitioner seeks approval under Probate Code 3611(g) to fund the Settlement Trust with proceed of the lawsuit for the minors. Under Probate Code §3611 the only way to hold the minors' settlement funds include a blocked account, uniform transfer to minor's account, establishing the minors' settlement trust, special needs trust or other options.</p> <p>The minors' settlement trust was selected as the most appropriate entity to hold the minors' settlement funds. It provides sufficient flexibility on investment so the funds can grow more than if held in a blocked account or uniform transfer to minor's account.</p> <p align="center">Please see additional page</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p>
Cont. from 051116				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
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	Citation			
	FTB Notice			
			<p>Reviewed by: KT</p> <p>Reviewed on: 5/23/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 25- Bennett</p>	

The settlement trust costs less than establishing a guardianship of the estate with all of the same protections. Best of all, it can be established in such a way that if the minor is unable to competently manage the funds when they reach age 18, the trustee has the option of having the funds stay in trust to be managed until age 25.

One of the main advantages of a minor's settlement trust is that the trust is structured to balance sound financial management and flexible investment strategies. The trust further allows each minor to revoke their interest in the trust at age 18 if they should so choose. However, the minor's also have the option of leaving the assets in trust until they reach 25 and they gain maturity in financial matters. The minor's settlement trust that is being proposed puts all three minor's in the same trust. A subtrust is created for each minor's share and administered separately. This will allow the relatively modest portion of each minor's settlement to be managed by one document. This will save the minors paying three separate bonds on three separate trusts, and paying court accountings on all three trusts.

The Trusts are revocable by Ambria, Oliva and Allena when they each turn 18. The trust grants the beneficiary a 30-day period to revoke the Trust. In the event that there is no revocation, then the trust remain irrevocable and will continue until the beneficiary attains the age of 25. The trust shall remain irrevocable until the beneficiary makes a written request to revoke her portion of the trust after she attains 25.

Once the beneficiary reaches the age of 18 the trustee no longer has the responsibility to account to the court.

Once the beneficiary reaches the age of 18 the trustee is no longer required to furnish a bond for that beneficiary's subtrust.

Petitioner seeks bond in the amount of \$259,000. Presuming that the Medi-Cal lien of \$13,506.60 will be reduced by 1/3 for attorney fees (to \$9,049.42) bond is calculated on the principal amount of \$230,194.38.

The proposed trustee of the trust is ROSALYN M. BENNETT. Ms. Bennett is the beneficiaries' aunt.

JAMES BENNETT, the minors' grandfather will be named Trust Protector and shall have the right to appoint a new trustee (upon court approval), review trustee actions, make disbursement requests, and provide oversight over the trustee.

Please see additional page

The trust also complies with California Rules of Court, Rule 7.903.

- Does not contain a “no-contest” clause.
- Prohibits modification or revocation without court approval.
- Clearly identifies the trustee and any other person with authority to direct disbursements.
- Prohibits investments by the trustee other than those permitted under Probate Code §2574.
- Require trustee to post a bond.
- Require trustee to file accounts and reports for court approval in the manner and frequency required by the Probate Code.
- Requires court approval of changes in trustees and a court order appointing a successor.
- Require compensation of the trustee, the trust protector or the attorney for the trustee, to be just and reasonable amounts that must be fixed and allowed by the court. The instrument may provide for periodic payments of compensation on account, subject to the requirements of Probate Code § 2643 and rule 7.755.

Petitioner requests attorney fees in the sum of **\$4,625.00** (per itemization and declaration 8.10 hours at \$450 per hour for attorney time and 5.6 hours @ \$175 per hour for paralegal time.)

Wherefore Petitioner prays for an Order:

1. That the Court establish the Mabrey Bennett Settlement Trust and order that the minor's net litigation proceeds from the lawsuit titled *Minors Ambria Mabrey et al v. Arie Ann Abbott et al*, case no. 14CECG01585 be funded into it.
2. That the Court order Nathaniel M. Lees as attorney and Petitioner to execute the Mabrey Bennett Settlement Trust as settlors on behalf of the minors/plaintiffs;
3. That Rosalyn M. Bennett shall serve as the initial Trustee of the Trust with bond in the amount of \$259,000;
4. That the Trustee of the Mabrey Bennett Settlement Trust provide the Court with Biennial account and report beginning with the period 1 year after the date the Court establishes the trust and every 2 years thereafter;
5. That he Trustee of the Mabrey Bennett Settlement Trust pay \$4,710.00 to Kevin Urbatsch for his legal services and costs rendered on behalf of Petitioner.

Please see additional page

Note: If the petition is granted, status hearings will be set as follows:

- **Wednesday, June 29, 2016** at 9:00 a.m. in Department 303, for the filing of the bond.
- **Wednesday, July 26, 2017** at 9:00 a.m. in Department 303, for the filing of the first account.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

Petition for Appointment of Temporary Guardian of the Person

		See petition for details.	NEEDS/PROBLEMS/COMMENTS: <u>Minute Order 5/11/16:</u> The Court grants temporary guardianship for only two weeks. Letters expire 5/25/16. Service needs to be made with the new court date. Examiner notes given. 1. Need Notice of Hearing. 2. Need proof of personal service of Notice of Hearing with a copy of the petition at least five court days prior to the hearing per Probate Code §2250(e) <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Brianna Ysais (Minor) - Ronnie Sharp (Father) - Tawnia Mendez (Mother)	
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	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
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	Notice of Hrg			X
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	Pers.Serv.			X
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✓	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
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	Citation			
	FTB Notice			
Reviewed by: skc Reviewed on: 5/23/16 Updates: Recommendation: File 26- Ysais				